

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 15-275-MMM (SP)	Date	October 26, 2015
Title	LENROY McLEAN v. R. PHILLIP GUTIERREZ, et al.		

Present: The Honorable	Sheri Pym, United States Magistrate Judge
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Kimberly Carter	None Appearing
Deputy Clerk	Court Reporter / Recorder

Attorneys Present for Plaintiff(s):	Attorneys Present for Defendant(s):
None Appearing	None Appearing

Proceedings: **(IN CHAMBERS) ORDER TO SHOW CAUSE WHY COMPLAINT
SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

On June 30, 2014, plaintiff Lenroy McLean, a federal prisoner proceeding pro se and in forma pauperis, initiated this action by filing a civil rights complaint in the Northern District of Texas. The United States District Court for the Northern District of Texas severed claims based on incidents plaintiff alleged occurred at the Federal Correctional Institution at Victorville, California (“FCI Victorville”) and transferred the severed claims to this court.

The severed case arrived in this court on February 13, 2015. On April 21, 2015, the court issued an order directing plaintiff to file a First Amended Complaint if he wished to pursue this action. Plaintiff filed a First Amended Complaint (“FAC”) in this court on June 19, 2015. On August 26, 2015, this court, having completed screening of the FAC, found it subject to dismissal and granted leave to file a Second Amended Complaint by September 25, 2015. Four weeks having passed beyond this deadline, the court has not received a Second Amended Complaint or any other communication from plaintiff.

Accordingly, within **twenty-one (21)** days of the date of this Order, that is, by **November 16, 2015**, plaintiff is **ORDERED TO SHOW CAUSE**, in writing, why this action should not be dismissed for failure to prosecute and/or comply with a court order. In the event plaintiff wishes to voluntarily dismiss this action, plaintiff may complete and return the enclosed Notice of Dismissal form by **November 16, 2015**.

If plaintiff files a Second Amended Complaint by **November 16, 2015**, this Order

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to Show Cause will be automatically discharged, and plaintiff need not respond to it separately.

Plaintiff is cautioned that his failure to timely file a response to this Order to Show Cause may be deemed by the court as consent to the dismissal of this action without prejudice.